IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 1775 of 2006

DATE OF DECISION : 06.11.2006

Kulwinder Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Ms. H.K. Dhillon, Advocate, for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Kulwinder Singh has filed this revision petition against the judgment dated 15.7.2006, passed by Addl. Sessions Judge, (Adhoc) Fast Track Court, Ludhiana, whereby the appeal filed by him against the judgment of his conviction and order of sentence dated 16.11.2004, passed by Judicial Magistrate Ist Class, Jagraon, has been dismissed.

2. The petitioner was tried in case FIR No. 86 dated 24.9.2000 registered at Police Station Raikot, Tehsil Jagraon, District Ludhiana, under Sections 279/337/338/427/304-A IPC, and vide judgment and order dated 16.11.2004, passed by the trial court, he was convicted and sentenced to undergo R.I. for a period of six months and to pay a fine of Rs. 500/- or in default of payment of fine, to undergo R.I. for seven days under Section 279 IPC and to undergo R.I. for a period of one year and to pay a fine of Rs. 500/- or in default of payment of fine to undergo R.I. for seven days under Section 304-A IPC. Both the sentences were ordered to run concurrently. Aggrieved against the same, the petitioner filed appeal, which has been dismissed by the appellate court. Hence, this revision petition has been filed by the petitioner.

3. I have heard counsel for the parties and gone through the impugned judgment.

4. The aforesaid FIR was registered on the basis of statement of Bhupinder Singh. The allegation against the petitioner is that on 23.9.2000, he while driving the tractor along with maize grain separating machine in a very rash speed struck the same against the scooter, on which Sanjeev Kumar and Ramu were going, which resulted in the death of Sanjeev Kumar and injuries on the person of Ramu. The trial court, after appreciating the evidence available on record, convicted and sentenced the petitioner under Sections 279 and 304-A IPC. The appellate court has also upheld the conviction and sentence of the petitioner. Counsel for the petitioner has not been able to point out any illegality or infirmity in the conviction recorded by the courts below and notice was issued only regarding quantum of sentence.

5. Regarding sentence, counsel for the petitioner submits that the petitioner is first offender and is the only bread earner in the family, having old parents and three minor children, therefore, a lenient view be taken against him regarding the quantum of sentence.

6. After hearing counsel for the parties and keeping in view the manner in which the accident took place and the fact that the petitioner is first offender, and the incident is more than six years old, I deem it appropriate to reduce the sentence of imprisonment from one year under Section 304-A IPC to eight months as that will meet the ends of justice. Ordered accordingly. However, it is made clear that the sentence of imprisonment under Sections 279 IPC and the sentence of fine shall remain intact.

6. With the aforesaid modification in the order of sentence, this revision petition stands dismissed.

November 06, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**